UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/637,800	08/11/2000	DARRYL BLACK	102689-45/00-U0076	8629

			EXAMINER
21125	7590	01/25/2005	HALIM, SAHERA

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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/637,800</td><td>Applicant(s)
BLACK ET AL.</td><td></td></tr>
<tr><td>Examiner
Sahera Halim</td><td>Art Unit
2157</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _01 December 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 – 28 have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim the following claims have been rejected under 35 U.S.C. 102(e) as being

anticipated by Reed et al., U.S Pat. No. 6,345,288 (hereinafter Reed).

4.   Regarding claim 1, Reed discloses a method of operating a telecommunications

system, comprising sending a first metadata file from a network device to an external

management system (see col. 8, lines 5-51; sending metadata from a consumer to a

provider);

        generating a first management data file within the network device (col. 8, lines 5-

51; col. 34, lines 55 - 61; data objects stored in consumer database);

sending the first management data file from the network device to the external

management system (col. 8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62 -64;

submission or created forms at the consumer to provider); and

processing the first management data file in accordance with the first metadata

file (col. 8, lines 5-51; col. 28, lines 43 – 51).

5.   Reference to claim 2, Reed teaches the method of claim, wherein the first

management data file is generated asynchronously with respect to the processing of the

first management data file (see col. 8, lines 5 –51; col. 28, lines 45 – 54, col. 34, lines

55 – 67, generating asynchronously with processing by provider).

6.   Regarding claim 3, Reed discloses the method of claim 1, wherein the first

management data file is generated synchronously with respect to the processing of the

first management data file (see col. 8, lines 5 –51; col. 28, lines 45 – 54, col. 34, lines

55 – 67, generating synchronously with processing by provider).

7.   As to claim 4 the method of claim 1, Reed teaches wherein the first metadata file

is a JAVA class file (see col. 35, lines 24 - col. 36, lines 51).

8.   Reference to claim 5, Reed discloses the method of claim 1 wherein sending the

first metadata file and first management data file from the network device to the external

management system comprises:

sending the first metadata file and first management data file from the network

device to an external file transfer system (see col. 8, lines 5-51; sending metadata from

a consumer to a provider).

9.   Regarding claim 6, Reed teaches the method of claim 1, wherein sending the

first management data file comprises: executing a file transfer protocol push (See col.

13, lines 10 –51).

10.   Reference to claim 7, the method of claim 1, where sending a first metadata file

comprises: executing a file transfer protocol push (See col. 13, lines 10 –51).

11.   As to claim 8, Reed teaches the method of claim 1, further comprising:

        generating a first data summary file corresponding to the first management data

        file; and

        sending the first data summary file to the external management system, wherein

the first management data file is processed in accordance with both the first data

summary file and the first metadata file (See col. 34, lines 55 –col. 35, lines 47, menu

600).

12.   Regarding claim 9, Reed teaches the method of claim 8, wherein sending the

first data summary file comprises:

executing a file transfer protocol push (See col. 13, lines 10 –51 and consumer

operation col. 34).

13.   Reference to claim 10, Reed teaches the method of claim 1, further comprising:

generating a second management data file within the network device (See col.

34, lines 55 –col. 35, lines 47);

ending the second management data file from the network device to the external

management system (See col. 34, lines 55 –col. 35, lines 47); and

processing the second management data file in accordance with the first

metadata file (See col. 34, lines 55 –col. 35, lines 47).

14.   Reference to claims 11 and 12, these claims have similar limitations as claim 1,

and therefore, they are rejected under the same rational.

15.   Reference to claim 13, Reed teaches the method of claim 1, further comprising:

adding a hardware module to the network device (adding a hardware module to

the network device is inherent, see col.38, lines 40 – 42);

downloading a second metadata file to the network device corresponding to the

hardware module (col. 38, lines 4 –20);

sending the second metadata file from the network device to the external

management system (col. 8, lines 5 –51);

generating a second management data file within the network device (col. 8,

lines 5 – 51, and col. 34, lines 55 – 61);

sending the second management data file from the network device to the

external management system (col. 8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62

– 64); and

processing the second management data file in accordance with the second

metadata file (col. 8, lines 5 –51 and col. 28, lines 43 – 51).

16.   Reference to claim 14, Reed discloses the method of claim 1, further comprising:

downloading a modified first metadata file to the network device (col. 38, lines 4 –

20);

sending the modified first metadata file from the network device to the external

management system (col. 8, lines 5 –51);

generating a second management data file within the network device (col. 8,

lines 5 – 51, and col. 34, lines 55 – 61);

sending the second management data file from the network device to the

external management system (col. 8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62

– 64); and

processing the second management data file in accordance with the second

metadata file (col. 38, lines 4 – 20).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.   Claims 15 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reed.

19.   Regarding claims 15-17, Reed does not teach the method of claim 1, wherein the

external management system comprises a data collector, a network management

server and a billing server. However, it would have been obvious for a person having

ordinary skill in the art at the time of the invention to have any type of server in order to

address the needs of a specific system or operation.

20.   As per claims 18 – 28, they do not teach or further define over the limitations

recited in the rejected claims 1-17. Therefore, claims 18 – 28 are rejected for the similar

reasons set forth in claims 1-17, _supra_.

Response to Arguments

21.   Applicant's arguments filed December 1, 2005 have been fully considered but

they are not persuasive.

22.   In response to Applicant's argument that Reed does not teach "sending metadata

from a network device to an external management system and sending a management

file associated with the metadata such that the external device can process the

management data in accordance with the metadata for managing the device", the

Examiner disagrees. Reeds does teach a method of operating a telecommunications

system, comprising sending a first metadata file from a network device to an external

management system (see col. 8, lines 5-51; sending metadata from a consumer to a

provider); generating a first management data file within the network device (col. 8, lines

5-51; col. 34, lines 55 - 61; data objects stored in consumer database); sending the first

management data file from the network device to the external management system (col.

8, lines 5 –51, col. 31, lines 22 – 48, col. 29, lines 62 -64; submission or created forms

at the consumer to provider); and processing the first management data file in

accordance with the first metadata file (col. 8, lines 5-51; col. 28, lines 43 – 51). Claim

one does not include the limitation of process the management data in accordance with

the metadata for managing the device. The Applicant argues that the reference fail to

show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., metadata for managing the device, the external management

system is utilized to manage the network device, and metadata transferred from a

network device to an external management system is related to the management of the

network device) are not recited in the rejected claim 1. Although the claims are

interpreted in light of the specification, limitations from the specification are not read into

the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

23.   Claims 1 and 18 have similar limitations and the Applicant argues the same

limitations in claim 18. Therefore, the Examiner asserts the above response of claim 1

in response to arguments made in regards to claim 18.

24.   In response to the Applicant's arguments in regards to claim 27, the Examiner

asserts that Reed does disclose a network device (provider computer) including an

internal management system capable of generating a management data file (see Fig. 1

and col. 8, lines 5-51; col. 34, lines 55 - 61); and an external management system

(consumer computer), wherein the internal management subsystem is capable of

pushing the management data file and a metadata file to the external management

system and the external management system is capable of processing data in the

management data file in accordance with the metadata file (See Fig. 1 and col. 8, lines

5 –51, col. 31, lines 22 – 48, col. 29, lines 62 -64; submission or created forms at the

consumer to provider). In response to the argument that there is no indication in Reed

"that the consumer computer functions as an external management system that would

process data in the management file in accordance with the metadata file <u>for managing</u>

<u>the provider computer</u>", these limitations are not recited in claim 27. Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Sahera Halim
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AU : 2157

January 17, 2005

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